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EU soft law as an administrative constraint.  
Comparative analysis of German solutions  
with focus on the EU climate policy

Dissertation focuses on impact of the EU soft law and the EU executive rulemaking on functioning of the Polish public administration. Author analyzes evolution of the soft law concept from public international law, through its institutionalization at the European Union level, to meaning of soft law acts within the national legal order. The analysis is embedded in a broad doctrinal context of concepts related to the permitted scope of regulatory activity of the executive, both at the EU and national level. With regard to national positions, the dissertation presents and compares perspectives of Polish and German legal scholars in the field of public law. With regard to the EU level, the work analyzes legal and political reasons behind the particularly frequent use of atypical regulatory acts of the executive in the area of environment and climate change. Against the background of theoretical considerations, the dissertation takes closer look on the practical approach of national administrative authorities towards soft law acts of the European Commission. The study looks at the approach of Polish and German public authorities to the recommendations issued to them under the EU climate legal framework (Regulation 2018/1999 on the governance of the energy union and climate action). This has demonstrated significant differences in the approach towards the EU soft law between two countries. On the national level there is a visible tendency to approach the EU soft law in the same way as national executive rulemaking – regardless of its legal status under the EU law. Based on these practical findings, Author attempts to place the EU soft law within the national theory of administrative law sources. Comparison of the positions of German and Polish legal scholars towards the EU and national executive rulemaking allowed to formulate a number of conclusions for both theory and practice of the public law in Poland. Among others, they concern the need to undertake further research on implications of multicentric character of the Polish legal system for the national system of sources of law.